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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,895	09/23/2002	Brian Cornish	1010.65379	7710
24978	7590	10/05/2005		
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER DESANTO, MATTHEW F	
			ART UNIT	PAPER NUMBER
			3763	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,895

Applicant(s)

CORNISH, BRIAN

Examiner

Matthew F. DeSanto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/23/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Cassou et al. (FR 2,720,929, Found in IDS).

Cassou et al. discloses a retention apparatus capable of retaining a substance delivery device within either or both a body cavity of an animal and a passage leading thereto into which the substance delivery device is inserted, said retention apparatus including: positioning apparatus capable of maintaining the substance delivery device in a preferred position within the body cavity and/or passage of the animal, and restraining apparatus attachable to the positioning apparatus and capable of hindering unwanted removal of the positioning apparatus and the substance delivery device from the animal's body cavity and passage, wherein the retention apparatus includes at least a portion of the restraining apparatus is attachable in a preferred location on the external surface of the animal's body via use of attachment means, as well as disclose a strap means, and a patch means (figures 1-3, entire reference).

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3. Claims 1-19 and 40-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Jellie (USPN 6,436,069)

Jellie discloses a retention apparatus capable of retaining a substance delivery device within either or both a body cavity of an animal and a passage leading thereto into which the substance delivery device is inserted, said retention apparatus including: positioning apparatus capable of maintaining the substance delivery device in a preferred position within the body cavity and/or passage of the animal, and restraining apparatus attachable to the positioning apparatus and capable of hindering unwanted removal of the positioning apparatus and the substance delivery device from the animal's body cavity and passage, wherein the retention apparatus includes at least a portion of the restraining apparatus is attachable in a preferred location on the external surface of the animal's body via use of attachment means (figures 1-19, entire reference).

4. Claims 1-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Norris (WO 99/43269 - Found in IDS).

Norris discloses a retention apparatus capable of retaining a substance delivery device within either or both a body cavity of an animal and a passage leading thereto into which the substance delivery device is inserted, said retention apparatus including: positioning apparatus capable of maintaining the substance delivery device in a preferred position within the body cavity and/or passage of the animal, and restraining apparatus attachable to the positioning apparatus and capable of hindering unwanted removal of the positioning apparatus and the substance delivery device from the

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animal's body cavity and passage, wherein the retention apparatus includes at least a portion of the restraining apparatus is attachable in a preferred location on the external surface of the animal's body via use of attachment means, as well as disclose a strap means, and a patch means (figures 1-8, and entire reference).

Conclusion

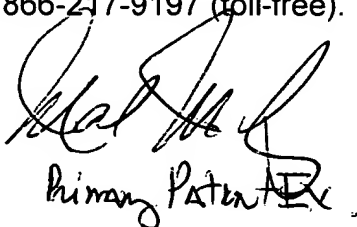
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew F. DeSanto whose telephone number is 571-272-4957. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick LUCCHESI can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Matthew DeSanto
Art Unit 3763
September 30, 2005



Primary Examiner